

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Annie TUMMINO, *et al.*,

Plaintiffs,

v.

Dr. Margaret HAMBURG, Commissioner of
Food and Drugs, *et al.*,

Defendants.

)
)
)
) No. 12-CV-763 (ERK/VVP)
)
) (Korman, J.)
) (Pohorelsky, M.J.)
)
)
)
)

NOTICE OF APPEAL

PLEASE TAKE NOTICE that defendants Dr. Margaret Hamburg, Commissioner of Food and Drugs, and the Honorable Kathleen Sebelius, Secretary of Health and Human Services, hereby appeal to the United States Court of Appeals for the Second Circuit from the judgment of this Court entered on April 10, 2013 (ECF No. 87), and this Court's Memorandum and Order of April 5, 2013 (ECF No. 85).

Dated: May 1, 2013

Respectfully submitted,

STUART F. DELERY
Acting Assistant Attorney General
Civil Division

LORETTA E. LYNCH
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201-1820

IAN HEATH GERSHENGORN
Deputy Assistant Attorney General

SHEILA LIEBER
Deputy Director,
Federal Programs Branch

By: /s/ {FILED ELECTRONICALLY}
F. FRANKLIN AMANAT (FA6117)
Assistant United States Attorney
Eastern District of New York
(718) 254-6024
franklin.amanat@usdoj.gov

ERIC B. BECKENHAUER
Trial Attorney,
Federal Programs Branch

United States Department of Justice, Civil Division
20 Massachusetts Avenue, N.W.
Washington, DC 20530
(202) 514-3338

Of Counsel:

DAVID J. HOROWITZ, Deputy General Counsel
ELIZABETH H. DICKINSON, Chief Counsel, Food and Drug Division
ANNAMARIE KEMPIC, Deputy Chief Counsel, Litigation, Food and Drug Division
SCOTT A. KAPLAN, Assistant Chief Counsel, Food and Drug Division
United States Department of Health and Human Services
Office of the General Counsel
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

CERTIFICATE OF SERVICE

I, F. Franklin Amanat, hereby certify under penalties of perjury that on this 1th day of May, 2013, I did cause true and correct copies of the above and foregoing instruments, Notice of Appeal, to be served by electronic mail and ECF notification on the following persons:

Janet Crepps, Esq.
Center for Reproductive Rights
120 Wall Street, 14th Floor
New York, NY 10005
snovak@reprorights.org
jcrepps@reprorights.org

Andrea Costello, Esq.
Florida Institutional Legal Services
14260 W. Newberry Road, #412
Newberry, FL 32669
acostello@filsinc.org

Kirsten Clanton
Southern Legal Counsel, Inc.
1229 NW 12th Ave.
Gainesville, FL 32601
kirsten.clanton@southernlegal.org

Michael D. Shumsky
Kirkland & Ellis LLP
655 15th Street NW, Suite 1200
Washington DC 20005
mshumsky@kirkland.com

/s/ {SIGNED ELECTRONICALLY} _____

F. FRANKLIN AMANAT (FA6117)
Assistant United States Attorney
Eastern District of New York
(718) 254-6024
franklin.amanat@usdoj.gov